

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

IN RE: STEPHEN A. GRIFFIN, DEBTOR

CASE NO. 2:02-bk-70245M  
CHAPTER 7

BARBARA L. GRIFFIN

APPELLANT

v.

No. 2:06-mc-00004-RTD

RICHARD L. COX, TRUSTEE

DEFENDANT

**ORDER**

Currently before the Court is Appellant's Emergency Motion to Reconsider Order Denying Emergency Motion to Stay Proceedings (Doc. 4). Appellant moves this Court to reconsider its order of January 30, 2006 denying her motion to stay proceedings in the United States Bankruptcy Court, Western District of Arkansas, Fort Smith Division pending the outcome of her appeal of a partial consent judgment entered in the case of *In Re: Stephen A. Griffin, Debtor*, Case No. 02-70245M.

Rule 8005 of the Federal Rules of Bankruptcy Procedure provides, in pertinent part, that a motion for stay must be "made in the first instance in the bankruptcy court" , and a motion for stay made in the district court "shall show why the relief...was not obtained from the bankruptcy court." In her original motion seeking a stay, Appellant failed to allege that she previously sought a stay in the bankruptcy court. We therefore found Appellant failed to make the necessary showing for this Court to enter a stay. See *In re Duncan*, 107 B.R. 758 (W.D. Okla. 1988).

In her motion to reconsider that order, Appellant contends that she previously sought a stay in the bankruptcy court but withdrew her motion without a ruling from the bankruptcy court. Appellant stated that she withdrew her motion because she had "reason to believe that the Bankruptcy Court would not understand that she could not drive 276 miles to El Dorado for the hearing...." In Paragraph 10 of her motion, Appellant states that the bankruptcy court denied a motion to stay on February 7, 2007, but Appellant failed to provide this Court with any documentation to that effect. Accordingly, Appellant's Emergency Motion to Reconsider Order Denying Emergency Motion to Stay Proceedings (Doc. 4) is DENIED.

IT IS SO ORDERED this 7th day of March 2006.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge